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September 24, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication
MM Docket No. 00-168
MB Docket No. 04-233
MB Docket No. 05-49

Dear Ms. Dortch:

We are writing on behalf of our client, the **Louisiana Association of Broadcasters** (the "LAB"), to give notice that on September 22, 2008, a meeting was held in the offices of the Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554 between Monica Desai, Media Bureau Chief, and Michelle Carey, Legal Advisor to Chairman Kevin J. Martin, and certain representatives of the Louisiana broadcast industry.

Representing the Louisiana broadcast industry were the following individuals: Jim Serra and Paul H. McTear, Jr. - KPLC-TV, Lake Charles; Tom Gay - KFNV-FM, Ferriday, KJNA, Jena, KMAR-TV, Winnsboro and KAPB-FM, Marksville; and George Sirven - KPXJ-TV and KTBS-TV, Shreveport.

A summary of the subjects discussed during that meeting, and of the points made concerning each topic, is provided below:

1. Localism. The high degree of competition faced by broadcasting today eliminates the need for rules such as those proposed in the FCC's current localism proceeding. Broadcasters already rely on the fact that localism is their only means of differentiating free, over-the-air broadcasting from cable television and satellite television. Broadcasters are performing substantial community service on an ongoing basis. Permanent advisory boards are unnecessary because broadcasters must already pay close attention to local issues and events in order to survive. Broadcasters commonly visit weekly with mayors, police chiefs, heads of chambers of commerce and other leaders of communities within their service areas to obtain news stories. Broadcasters will be caused great financial harm if they must relocate their presently-compliant main studios. Requiring stations to staff their main studios or transmission facilities during overnight hours will force many stations off the air during those hours to avoid

substantial additional staffing costs, thus reducing local public service. Radio broadcasters frequently air local artists.

2. Enhanced Disclosure Requirements. The exhausting program listings, ascertainment information and amounts of closed captioning programs and video description required by FCC Form 355 will impose substantial additional burdens on TV licensees without providing any practical benefit. Public inspection files should not be required to be posted on station web sites. The public seldom seeks access to such files, yet the cost of digitizing them is significant, particularly for small market broadcasters, who may be forced to eliminate station web sites if such a requirement is imposed.

3. Satellite/Local to Local. The public in small television markets are being put at risk of losing reception of their local TV service by the refusal of DirecTV and EchoStar/DISH to act on retransmission approval of local stations' signals. In markets such as Lake Charles, Louisiana, neither provider includes either analog or digital local television service on their satellite-fed lineup, but they mislead area satellite subscribers to believe that they will get local service. They also tell satellite subscribers there that they must disconnect their television antennas to receive satellite service. Most of these households are located in areas that do not have access to cable service, so the satellite carriers have an effective monopoly. In order to prevent broadcasters in the Lake Charles, LA, market and elsewhere from potentially losing up to 40% of their viewers, the local-into-local deadline of 2013 should be accelerated in all markets to the analog shut-off date of February 17, 2009. Doing so will also ensure the safety of all Americans, no matter where they live, since many viewers rely on local television stations to provide a lifesaving link during emergencies, as was proven in Southwest Louisiana during the 2005 direct strike of Hurricane Rita and the 2008 severe blows by Hurricane Gustov and Hurricane Ike. Satellite providers should also be required to carry the high definition signals of broadcasters, which they are refusing to carry now but misinforming their subscribers that broadcasters are preventing such carriage.

Please associate this ex parte letter with the Commission's record in the proceedings referenced above.

Sincerely,

HEBERT, SPENCER, CUSIMANO & FRY, LLP



Charles L. Spencer, General Counsel
Louisiana Association of Broadcasters

cc via email:

Monica Desai, Media Bureau Chief
Michelle Carey, Legal Advisor to Chairman Martin
Lou Munson, President and CEO, Louisiana Association of Broadcasters